App. F. IX-4

1927.

File No. 8-27

Previous References (Courts)

Serial Nos. 1-3

Later References

PRESERVED

Ltr 1-28, 22 1/2
Dis Dep 304-32
Ltr 9-35-1-10
" 8-40 (1-1)

General and Revenue Secretariat.

Serial Nos. Three

Part B for September 1927

SUBJECT

Empowering all the second class magistrates and all Amildars and Deputy 2nd class Amildars who are Ex-officio magistrates to authorise the detention of accused persons in the custody of the police.

Note No-P 1429 dt 10-9-27 To the Compiler

Notices the above

Memo received 12/10/27

G. R. S. III—11 192 F. 28

GENERAL AND REVENUE SECRETARIAT.

Cls

NOTES.

File No. 8-27

FILE HEADING.

Investiture of powers under Section 167 Criminal Procedure Code

From

Dhdm. mysore

No. 2094 Dated 21.6.27 Received

Diary No. 64.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that under the revised section 167 Criminal Procedure code, the Amildar magistrates cannot grant remands to accused persons unless they are specifically empowered to do so and it is absolutely necessary that the Taluk magistrates should be invested with this power as otherwise great inconvenience will be caused to witnesses going miles to obtain remand as they would have to go to Spl: magistrates for obtaining remand and recommend that all the Amildars Taluk magistrates may be empowered to grant remands.

NOTES AND ORDERS.

From

Mdm. Kadur. Letter no 46 28 dt 2.7.27

Recommends that Mr: Abdul Razak Spl: Grade class magistrate Tarikere, the Amildars of Chikmagalur Kadur, Tarikere, Koppa, Mudigere and the Deputy Amildars Narasimharajapura and the Bench magistrates, Chikmagalur Bench could maybe empowered to order the detention

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

App. F. III—2]

94/9

General and Revenue Secretariat. | File No. 46 of 1927

Serial No.

of accused persons in police custody for completing the investigation of offences under section 167 Criminal Procedure Code.

Sirs,

Under the old ~~Code~~ sections of the Code, any magistrate could ~~can~~ order the detention of arrested persons in police custody. Under the revised section, only a First class magistrate and Second class magistrates specially empowered can order the detention of accused persons in police custody for investigation. The Distt. Magistrate points out that great inconvenience will be caused if the Amildars Magistrates are not empowered under this section. Similarly the Dy. Collector recommends that all the Amildars and Deputy Amildars and ~~Magistrates~~ and the Bhukandars of the Talukas Sub Magte Bench Court may be empowered. The difficulties pointed out by the Dy. Collector will be felt in all the Dts. If approved all the Amildars and Deputy Amildars may be empowered with these powers Submitted for orders

9/7/27

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

General and Revenue Secretariat. | File No. 46 of 1927

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✓

Under section 167 of the amended Cr.P.C, Second class magistrate have to be empowered to pass orders of remand. The O.M. Peyaore of the D.M. Madura have moved in the matter. It is pointed out that the police have to travel long distances to go to the special magistrate who are empowered to pass such orders and hence Amildars & Dy Amildars may be empowered under section 167 Cr.P.Code The D.M. Madura wants that the special magistrate at Tanjore may be invested with this power. This does not seem to be necessary as the special magistrate is invested with all the special powers except the power to pass sentences of Whipping and the power to commit for trial. The point is When this special power has been included in the 4th Schedule, the special Magistrate does not automatically get that power on the date the Regn came into force by virtue of the notification.

3 The D.M. Madura also proposes to invest the Magistrates of the Bench at

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat.

No File No. 6 of 192 7

Serial No.

Chikmagalur with this power. It is a point for consideration whether in view of the wording in Section 15, the individual magistrates can be invested with powers. It may also be noted that Section 167 refers to a magistrate & not to a Bench. It is therefore for consideration whether a Bench can exercise the power under Section 167.

Secy (L.D) 28/12/7

Asst Commrs & Deputy Asst Commrs may be empowered.

As regards Bench magistrates & Spl magistrates, please examine the practice prevailing in Br India mg. examination is. whether after the new Act came into force Spl magistrates were specially empowered to exercise powers specified in the amended Section 37. & whether the Bench is invested with such power treating such cases as a class of cases within the meaning of Sec 15. Cr.P.C.

364/12/7

1st item

Do 12/7

28/12/7

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat. No. File No. 64 of 1927

Serial No.

The real remedy is to have Stipendiary Magistrates for all Talukas — & the matter might be looked up after we decide next month re scheme of Civil & Cr. Etc —

7 As a temporary measure Ambars of Talukas where there are no Stipendiary Magistrates might be empowered, except in cases that are likely to be. Even this is somewhat objectionable as they are Members of Police — but has to be done.

8 To be on the safe side, 2nd Cl. Magistrates might be empowered (after consulting Chief Court G.O. if necessary)

Whether Benches exercise the powers might be restricted as proposed.

Dd 13/7/27

13-7

Dd 14/7

9 Sent with a draft. The file may be sent to Registrar Chief Court unofficially and after the receipt of their opinion, the necessary orders be issued simultaneously

1927/28 Cr. 99

By 10 Forwarded unofficially to the Registrar, Chief Court, for favour of the opinion of the Judges of the

NOTE—Contn. sheet.

104

General and Revenue Secretariat. 12 JUL 1927 MYSORE.

No. File No. 6 of 1927.

Serial No.

Lr. D. No. P 4 of 27 of 14th July 1927.

Judges of the Chief Court.

Rangaraache
for Secretary to Govt.
Law Department.
18.7.1927

Dy. No. 193/M-28

Returned with compliments.

The Judges of the Chief Court recommend all 2nd class Magistrates whether ex-officio or special, being empowered to authorise detention in Police custody under Section 167, Criminal Procedure Code the safeguards provided in Clauses (3) and (4) of Section 167 being sufficient to guard any misuse of the powers.

Deputy Amildars are not as a rule, 2nd class Magistrates and they may therefore be left out of account.

Chief Court of Mysore,
Bangalore,
15th August 1927.

M Srinivasaiyangar
FOR REGISTRAR.

TKV.

16/8

16/8

Send with addn.
8/9/1927

[Dy Amildars are also ex officio 2nd class Magts under the Govt Scheme adm.]

9/8 The draft is in accordance with the recommendation. Whether exception is to be made according to members' order in para 7. above is for orders.

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

104

. R. S. 12]

General and Revenue Secretariat. | File No. 5 of 191

Serial No.

Deputy Amildars are also Ex-officio 2nd class magistrates within their respective Talukes. (Please see Vol II. General Rules & orders: Criminal page 116). They may also be ~~inches~~ empowered as in the Sub Talukes no other magistrate may be available.

Regd D.O.

12th instt.

15/8/22/8

17

The Chief Court has to be consulted about it. A.

22/8

18

1927/28 CAV 265

U.O.No 10 of 27 of 26.8.27.

Forwarded with compliments, unofficially to the Registrar, Chief Court for favour of obtaining the opinion of the judges of the Chief Court

By order

Rangaraoche

for Secy to Govt

Law Dept

CHIEF COURT 26 AUG 1927 OF MYSORE

24/8/27

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

104 1121 6

App. F. III—2]

General and Revenue Secretariat. | File No. of 192

Serial No.

IMMEDIATE.

D. Dis. No. 45/27-8

17 Returned with compliments.

20 The Judges of the Chief Court consider that if Deputy Amildars are Ex-officio Magistrates of the 2nd Class, there is no objection to their being invested with powers under Section 167, Code of Criminal Procedure.

Chief Court of Mysore,
Bangalore,
Dated: 1st September 1927

Sheemadapath 2/9/27
REGISTRAR.

2/9/27

From

The D.M. Bangalore D. Letter no je 142/27-8-27. Recommends that all Amildars and the Deputy Amildars be invested with the powers under section 167 Criminal Procedure Code to grant remands of accused persons to police custody. Send with the draft already sent up slightly modified

1979 6/9

B/ 6/9 6/9 I member 6/9

6/9/27

KVN/

NOTE—Contn. sheet

WD 0324—GPE—60,000—24-5-27

General and Revenue Secretariat. | File No. 4 of 192 7

Serial No. 3.

To the Compiler Gazette
Pop 1427 Dt 10.9.27.
Notifies the empowering of all the Spl 2nd class magts and all the Asstt Collrs & Dy Asstt Collrs who are ex-officio 2nd class magts to authorise the detention of accused persons in the custody of Police
To the Dy magts of Pbs
Pbo 1428-36 Dt 10.9.27.
Rds a copy of the above

B.P.W.

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

64/P 821.

No. G.1.-2094-27

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,
Dated, Mysore, 21st June *1927*.

Cb 8.27-1

From

A.V. Ramanathan, Esq.,B.A.,
District Magistrate, Mysore District.

To

B. Nagappa, Esq.,Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department.

SIR,

I have the honor to state that according to the provisions of the recent amendments to the Criminal Procedure Code, the Amildar Magistrates ~~and~~ of the Taluks cannot in future grant remands to accused persons unless they are specifically empowered to do so.

2. It is absolutely necessary that the Taluk Magistrates be invested with the power to remand as otherwise great inconvenience would be caused to investigating officers to obtain remand by going all the way from the Taluk to the Special Magistrates and also hamper the investigation work of the Police Officers to a large extent.

3. Under these circumstances I request that all the Amildars in this District may kindly be specifically empowered to grant remands.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

A.N.

D. M. 2.
No. C.1-4628/26-27.
ENCS.

OFFICE OF THE DISTRICT MAGISTRATE,
KADUR DISTRICT.

Dated Chikmagalur, 2nd July 1927.

FROM H. V. Ramasvami, Esq, M.A., B.L.,
DISTRICT MAGISTRATE,
KADUR DISTRICT.

To B. Nagappa, Esq, Bar-at-Law.,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law DEPARTMENT,
BANGALORE.

SIR,

Detention of arrested persons in Police Custody.

In enclosing herein a copy of letter No. H.C.558/26-27 dated the 25th June 1927, from the District Superintendent of Police, Kadur District, in the matter of empowering all Second Class Magistrates in this District to order the detention of arrested persons in Police Custody for completing the investigation of offences, under Section 167, Criminal Procedure Code, as amended by Regulation VI of 1927, I have the honor to -- request that Mr. Abdul Razak, Special II Class Magistrate, Tarikere, the Amildars of Chickmagalur, Kadur, Tarikere, Koppa

4/211
P 82

No.J.C.142/27-28. Office of the District Magistrate,
Bangalore District,
Bangalore, dated the 28th August 1927.

From

G. B. Heblikar, Esq., B.A., LL.B.,
District Magistrate,
Bangalore District,
B a n g a l o r e.

To

B. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of Mysore,
Law Department,
B a n g a l o r e.

29/8

Sir,

I have the honour to forward herewith copy of letter No.D.2.20 of 27 dated the 19th August 1927 received from the District Superintendent of Police, Bangalore, bringing to notice the inconvenience caused in obtaining remands of accused persons to Police custody from a First Class Magistrate as no Second Class Magistrate of this District is yet specially empowered to grant remands to Police custody under the new code

2. I agree with the District Superintendent of Police and request you to move Government to empower all the Amildar Magistrates of the taluks and the Deputy Amildar Magistrate of Closepet, of this District, who are Ex-Officio II Class Magistrates to remand accused persons to Police custody under Section 167 Criminal Procedure Code.

I have the honour to be,
Sir,
Your most obedient servant,

Nagappa

for DISTRICT MAGISTRATE,
Bangalore District
BR (absent in meeting)

5

Letter No.D2.20/27 dated 19th August 1927 from the District Superintendent of Police, Bangalore District to the District Magistrate, Bangalore District, Bangalore.

==========

With reference to your Memo No.J.C.142/27-28 dated 10th August 1927, regarding the question of remanding accused to Police custody, I have the honour to state that Section 167 Criminal Procedure Code, as recently amended empowers only 1st Class Magistrates and specially empowered 2nd Class Magistrates to remand accused persons to police custody during the investigation of cases and as there are 1st Class Magistrates except at Bangalore and Closepet, in Bangalore District, all the accused persons for whom any remand to Police custody is necessary, will have to be marched to one of these two places from even the distant corners of the District.

As this would cause great inconvenience not only to the accused who has to perform long journeys but also to the Police who have to arrange for escorts, besides hampering with the speedy investigation of cases.

I request that early steps may kindly be taken to invest all the Amildars in the District as also the Deputy Amildar of Closepet with power to remand accused persons to police custody as they are all ex-officio 2nd Class Magistrates.

==========

"C O P Y"

District Magistrate,
Bangalore District

APP. F. VI. Gl.]

SUBJECT.....

.....

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Section No

File No. 9-27

Serial No. 3

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue.....10/9/27.....

Signed by.....M. R.....

No. 1427

To .....

Under section 167 (2) of the code of criminal Procedure, 1904, as amended by Regulation VI of 1927 all the Special Second class magistrates and all Assistant and Deputy Collectors who are Second class magistrates are empowered to authorise the detention of accused persons in the Custody of the Police.

B. O

List of enclosures.....

Copied by.....

Examined by .....

20/8

Landing

To

the Compiler mg. for publication

memo P 1428-36

Copy to Mrs. G.S. for information.

C.

over

WD 0562 -GPB—31,000—17-8-25

Copy to Asst. Secretary Intelligence Bureau

Simla 1918